

NOTICE TO LODGING PARTIES

LAND SERVICES GROUP

Colonel Light Centre
25 Pirie Street, ADELAIDE 5000

No.114

DIVISION OF PERPETUAL LEASEHOLD LAND

FREEHOLDING PERPETUAL LEASES

In September 1996, the holders of Crown Land Perpetual Leases (excluding Rangeland and War Service leases) were advised of the introduction of a new policy on freeholding of such leases and offered the opportunity to convert their leases to a freehold title.

The most significant change in the policy is the way in which purchase money is calculated. Under new provisions, the purchase money will now be a flat charge of \$1500 per lease or the rent capitalised at 5%, whichever is the greater amount. (This replaces the previous policy of charging 15% of the unimproved value of the land.) The holders of multiple leases can obtain one freehold title for up to four leases under the above conditions provided the leases are subject to the same conditions and are contiguous.

SURVEY REQUIREMENTS FOR FREEHOLDING

All applications to freehold are examined by DENR staff to ascertain whether or not a survey is required. Survey will be required where the lease boundary has not been surveyed or where data is considered inadequate for the preparation of the certificate of title.

Where a lease abuts a river or the coast, an adequate waterfront reserve must be surrendered to the Crown as a condition of freeholding. The boundary between the reserve and the land to be freeholded will be negotiated between the lessee and Regional Office and fixed by survey at the lessees expense.

The lessee will be responsible for all facets of the survey.

DIVISION OF PERPETUAL LEASES

Under the new Freeholding Policy, except for Road (Opening and Closing) Act proceedings it is no longer possible to divide a Perpetual Lease. It will therefore be necessary to freehold Perpetual Leases prior to the division application being lodged in the Lands Titles Office. The application will then be processed as a normal Real Property Act land division.

The applicant or agent must advise the Freeholding Unit in writing, of the Development Application Number for the land division at the time of lodging the application to freehold the lease.

Notifications should be forwarded to:

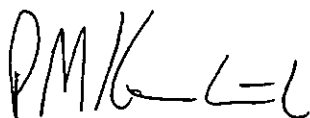
The Freeholding Unit
DENR
PO Box 1047
ADELAIDE SA 5001

or by fax to (08) 82049175

There are a number of land division applications in the system that were commenced prior to the introduction of the new policy. Applicants in this category should discuss their options with the appropriate Regional Office.

It will still be possible to lodge plans of division in the Lands Titles Office for leases subject to freeholding application, prior to the freeholding process being finalised. The Lands Titles Office RDA form will be accepted as the request to examine the survey. Deposit of the plan will be delayed until the land has been freeholded and the appropriate forms (RTU or RTC) lodged.

As the title system and reference will change once the land has been freeholded, the Title System box on the plan form should be filled in as "Crown" in pencil and the Crown Lease number also added in pencil. In addition the words "Freehold application lodged" should be added (in pencil) in the annotations box. Examination staff will add the title reference on receipt of the final documentation.



Peter Kentish
Surveyor-General
4 February 1997